



State of California

OFFICE OF THE INSPECTOR GENERAL

MATTHEW L. CATE, INSPECTOR GENERAL

FOR IMMEDIATE RELEASE

May 16, 2007

Contact:

Brett H. Morgan

Chief Deputy Inspector General

(916) 830-3600

State watchdog reports that prison internal affairs investigations continue to improve, but some difficulties persist

The Office of the Inspector General's Bureau of Independent Review reported today that the Department of Corrections and Rehabilitation's internal affairs investigations have improved considerably in the two years since the bureau began monitoring them. The bureau reports that the Department of Corrections and Rehabilitation's Office of Internal Affairs has made significant strides to comply with the federal court's *Madrid* remedial protocols, which require timely and objective investigations of alleged employee misconduct. Certain areas, however, need further improvement because ongoing challenges continue to hamper some investigative and disciplinary reforms envisioned in the *Madrid* Remedial Plan.

In releasing today's semi-annual report, Chief Assistant Inspector General David R. Shaw, who heads the bureau, said that the court-ordered reforms of the department's internal affairs investigation process continue to have a positive impact.

"The reforms have gained momentum during this reporting period," said Shaw.

"Investigations are more thorough and timely, there is greater consistency and fairness in disciplinary outcomes, and there is increased transparency in the investigation process."

The most noteworthy statistic during this reporting period is the large number of cases in which the department reached an objectively satisfactory outcome—the bureau found that 96 percent of monitored cases reached a satisfactory outcome. This achievement is

significant considering the vast amount of reforms the department has adopted in the last two years pursuant to the *Madrid* Remedial Plan.

Although the department's good-faith effort to comply with court-ordered reforms has addressed most systemic challenges, Shaw noted that some department practices and the conduct of some individuals falls outside of the protocols the court approved. A few department employees still deviated from established investigative and disciplinary rules, delayed reporting alleged misconduct, and failed to complete investigations in a timely manner. Rapid staff turnover in the department has also been a problem.

"This reporting period saw major personnel and organizational changes, especially among executive leadership and wardens who were familiar with the *Madrid* Remedial Plan, which hindered the pace and effectiveness of the reforms," said Shaw. "These staffing changes within the department and within the Office of Internal Affairs caused delays in investigative and disciplinary processes. But for the most part, the working relationship between the Office of Internal Affairs and the bureau was positive and productive."

The bureau's fourth semi-annual report, which covers the six-month period July through December 2006, cites 206 internal affairs investigations that the bureau monitored during the reporting period. The majority of investigations—70 percent—involved administrative misconduct, such as dishonesty, excessive use of force, or misuse of state property. Thirty percent of cases involved allegations of criminal misconduct. Most of the cases involved sworn peace officers, typically correctional officers and supervisors.

In addition to monitoring internal affairs investigations, the bureau continued to respond to "critical incidents"—events at adult and juvenile correctional institutions often involving significant use of force that resulted in an injury. During the six-month reporting period, the bureau monitored 61 critical incidents.

The full text of the Bureau of Independent Review's semi-annual report covering the period July through December 2006 may be viewed and downloaded from the Office of the Inspector General's website at <http://www.oig.ca.gov/>.

The Office of the Inspector General is an independent state agency responsible for oversight of the California Department of Corrections and Rehabilitation. The Bureau of Independent Review—the entity created inside the Office of the Inspector General to monitor internal affairs investigations in the state's correctional system—was established under California Penal Code section 6133.

#